

WEDNESDAY, APRIL 21, 1993

THIRTY-SIXTH LEGISLATIVE DAY

COMMUNICATIONS

The following documents were filed with respect to the Joint Convention in accordance with Senate Resolution No. 15 and House Resolution No. 22.

April 20, 1993
M E M O R A N D U M

TO: Judge David W. Lanier

FROM: John S. Wilder, Speaker of the Senate
Jimmy Naifeh, Speaker of the House of Representatives

SUBJECT: Notice of a Joint Convention of the General Assembly,
April 21, 1993, in the chamber of the House of
Representatives

Please consider this memorandum as notice that Speakers Wilder and Naifeh have called a joint convention of the general assembly on Wednesday, April 21, 1993 at 2:00 p.m. (CDT) in the chamber of the House of Representatives. The purpose of such joint convention is to act on the enclosed report of the special joint committee in the matter of

David W. Lanier

on the charges contained therein. Pursuant to House Resolution 22, Senate Resolution 15 and Tennessee Code Annotated, Section 17-5-311(d), you may attend such joint convention of the general assembly and present oral argument in your defense.

JOINT CONVENTION OF THE 98TH GENERAL ASSEMBLY
IN THE MATTER OF DAVID W. LANIER

To the process server: David W. Lanier can be served at Federal Correctional Institution - Memphis, 1101 John A. Denie Road, Memphis, Tennessee 38134.

RETURN

I received this summons on the 20 day of April, 1993.
I hereby certify and return that on the 20 day of April, 1993, I, Sgt. Roger B. Farmer, served this notice of joint convention and copy of the report of the special joint committee of the general assembly on David W. Lanier in the following manner:

I personally placed the summons in his hand at the Federal Correctional Institution - Memphis, 1101 John A. Denie Road,

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Memphis, TN. Present were Mr. Thomas Read, Attorney Advisor, and Mr. Erbie Lyons, Unit Manager, 2:54 pm - Tuesday, April 20, 1993.

/s/Sgt. Roger B. Farmer
Process Server

**STATE OF TENNESSEE
COUNTY OF DAVIDSON**

LYNN GOLDBERG, after being duly sworn according to law, deposes and says:

1. That I am over the age of majority and competent to make this affidavit.

2. That I am an session attorney employed by the general assembly in the Office of Legal Services.

3. That I instructed Sergeant Roger B. Farmer of the Tennessee Highway Patrol to serve Judge David W. Lanier with notice of joint convention of the general assembly to be held in Nashville on April 21, 1993, at 2:00 p.m. (CDT), together with a copy of the report of the special joint committee recommending his removal from the office of Chancellor of Dyer and Lake Counties.

4. That Sergeant Roger B. Farmer of the Tennessee Highway Patrol did telephone to report that Judge David W. Lanier was duly served with notice and copy of report and that Judge Lanier accepted such service.

5. That Sergeant Roger B. Farmer of the Tennessee Highway Patrol sent a facsimile copy of the Return to the Office of Legal Services. A copy of such Return is attached hereto as Exhibit 1.

And further affiant saith not.

/s/LYNN GOLDBERG

Sworn to and subscribed to before me this 21st day of April, 1993.

/s/Vivian G. Starnes
Notary Public

My Commission Expires: 11/27/93

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IN SPECIAL JOINT CONVENTION

IN THE MATTER OF JUDGE DAVID W. LANIER

WEDNESDAY, APRIL 21, 1993

Mr. President Wilder called the Special Joint Convention to order pursuant to Article VI, Section 6 of the Tennessee Constitution and Tennessee Code Annotated, Section 17-5-311 (d).

The roll call of the Senate was taken with the following results:

Senators present 31

The roll call of the House was taken with the following results:

Representatives present 94

Representatives present were: Allen, Anderson, Arriola, Bell, Bittle, Bragg, Brooks, Brown, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, Davis, DeBerry, Duer, Ferguson, Fisher, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Hargrove, Hassell, Haun, Head, Herron, Hillis, Huskey, Johnson, Jones, R. (Shelby), Jones, U. (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Lewis, Liles, Love, McAfee, McDaniel, McKee, Meyer, Miller, Mires, Moore, Napier, Odom, Owenby, Peroulas Draper, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Severance, Shirley, Stamps, Stockburger, Stulce, Thompson, Tindell, Turner (Hamilton), Venable, Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 94.

Total members present were 125

President Wilder stated that the purpose of the Joint Convention was to act upon the Report of the Special Joint Committee in the matter of Judge David W. Lanier. The report of the Special Joint Committee was properly filed with the respective Speakers on April 19, 1993, a copy of the report had been distributed to each member on the same date, Judge Lanier was properly served with the report and notice of the Joint Convention on April 20, 1993, and the complete record of the Special Joint Committee was filed with the Chief Clerk of the House on April 21, 1993. He indicated that the matter of Judge David W. Lanier was properly before this Joint Convention.

President Wilder recognized Representative Buck, Chairman of the Special Joint Committee.

Representative Buck stated that, pursuant to House Resolution 22 and Senate Resolution 15, on April 19, 1993, the Special Joint Committee conducted a hearing on the charge against Judge Lanier.

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Although Judge Lanier was properly notified of the hearing and arrangements were made by the Committee for his attendance at no cost to him, he sent a hand written letter by facsimile machine waiving his right to appear at the hearing. After hearing Judge Tatum present the case against Judge Lanier, the Committee voted 12 - 0 to recommend his removal from office based upon the charge.

President Wilder explained that consideration before the Joint Convention would be limited to the record but oral argument of counsel would be permitted; after oral argument of counsel, the Joint Convention would adjourn and each house would repair to its respective chamber. Each house would then vote separately on the charge for which removal was recommended by the Special Joint Committee. A two-thirds (2/3) vote of the number of members to which each house is entitled would be necessary to remove Judge Lanier from office."

President Wilder inquired if there were any preliminary matters which needed to be brought to the Chair's attention and noted that the charges would be read in each house before a vote would be taken.

President Wilder announced that Judge Lloyd Tatum was present. Judge Tatum prosecuted the case against Judge Lanier before the Court of the Judiciary and also before the Joint Committee. President Wilder recognized Judge Tatum his for comments and questions from the membership.

President Wilder inquired as to whether anyone was present to represent Judge Lanier; no one was in attendance.

President Wilder asked if any member of the Joint Convention had any comments or questions; there were none.

President Wilder directed the Clerk to read the charge against Judge Lanier:

CHARGE

On December 15, 1992 the United States District Court for the Western District, Western Division, David W. Lanier was convicted of five misdemeanor and two felony violations of United States Code, Title 18, Section 242, involving the deprivation of a person's rights and privileges secured and protected by the Constitution and the laws of the United States while acting under color of law.

President Naifeh stated that the purpose for which this Joint Convention was called having been accomplished, the Joint Convention stood dissolved, and at each body repaired to its respective Chamber to vote separately on the matter.

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WEDNESDAY, APRIL 21, 1993

THIRTY-SIXTH LEGISLATIVE DAY

The House met at 2:30 p.m. and was called to order by Mr. Speaker Naifeh.

The proceedings were opened with prayer by Al Henson, Lighthouse Ministries, Nashville, Tennessee.

Representative Clark led the House in the Pledge of Allegiance to the Flag.

EXCUSED

The Speaker announced that the following member(s) has/have been excused, pursuant to request(s) under **Rule No. 20**:

Representative Boyer; commitments as President of National Society of Professional Land Surveyors.

Representative Jackson; illness.

ROLL CALL

The roll call was taken with the following results:

Present 97

Representatives present were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bragg, Brooks, Brown, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fisher, Fowlkes, Garrett, Givens, Gunnéls, Haley, Halteman Harwell, Hargrove, Hassell, Haun, Head, Herron, Hillis, Huskey, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Lewis, Liles, Love, McAfee, McDaniel, McKee, Meyer, Miller, Mires, Moore, Napier, Odom, Owenby, Peroulas Draper, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Severance, Shirley, Stamps, Stockburger, Stulce, Thompson, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 97.

VOTING ON CHARGE AGAINST DAVID W. LANIER

Mr. Speaker Naifeh announced that members had an opportunity to review and consider the record in this matter, the report of the Special Joint Committee and the argument of counsel. Under

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Tennessee Code Annotated, Section 17-5-311(e), the body was required to vote "for removal" or "against removal" as to each charge for which the Special Joint Committee recommended the removal of David W. Lanier from the office of Chancellor of the twenty-ninth judicial district.

The Speaker directed the Clerk to read the charge.

CHARGE

On December 15, 1992 the United States District Court for the Western District, Western Division, David W. Lanier was convicted of five misdemeanor and two felony violations of United States Code, Title 18, Section 242, involving the deprivation of a person's rights and privileges secured and protected by the Constitution and the laws of the United States while acting under color of law.

Mr. Speaker Naifeh indicated the charge had been read for which the Special Joint Committee recommended removal and asked if there were any discussion.

He announced that under Article VI, Section 6, of the Tennessee Constitution, 66 votes were required for removal on this charge. Members "for removal" were instructed to vote aye or green when the bell rings; those "against removal" on this charge were instructed to vote no or red when the bill rings. The vote was taken with the following results:

Ayes.	96
Noes.	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bragg, Brooks, Brown, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fisher, Fowlkes, Garrett, Givens, Gunnels, Haley, Hargrove, Hassell, Haun, Head, Herron, Hillis, Huskey, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Lewis, Liles, Love, McAfee, McDaniel, McKee, Meyer, Miller, Mires, Moore, Napier, Odom, Owenby, Peroulas Draper, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Severance, Shirley, Stamps, Stockburger, Stulce, Thompson, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 96.

The Speaker announced: "Pursuant to Article VI, Section 6, of the Tennessee Constitution, you have voted to remove David W. Lanier from the office of Chancellor for the twenty-ninth judicial district on the charge previously read by the clerk." He directed the Clerk to enter the cause for removal and vote thereon in the journal and inform the Senate of the vote of the body. He further announced that "if two-thirds (2/3) of the Senate also votes to remove Judge

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Lanier on this charge, he is removed from office effective immediately."

REQUEST TO CHANGE VOTE

Pursuant to **Rule No. 31**, the following member(s) desire to change their original stand from not voting to aye on removal of Judge David W. Lanier and have this statement entered in the Journal: Rep(s). Halteman Harwell.

**MESSAGE FROM THE SENATE
APRIL 21, 1993**

MR. SPEAKER: I am directed by the Senate to notify the House that the Senate voted as follows on the charges in the case of Judge David W. Lanier:

Charge I - For Removal

CLYDE W. MCCULLOUGH, JR.,
Chief Clerk.

**REPORT OF COMMITTEE ON CALENDAR AND RULES
April 20, 1993**

The Calendar and Rules Committee has met and set the following bill(s) on the **Regular Calendar for Wednesday, April 21, 1993**: House Bill(s) No(s). 1143, 1366, 386, 756, 1076, 356, 1195, 1410, 1583, 1430, 147, 1048, 1004, 1102, 1388 and 585.

The Committee set the following bills on the **Regular Calendar for Thursday, April 22, 1993**: House Bill(s) No(s). 206, 1494, 567 and 1323.

The Committee set the following bill(s) and/or resolution(s) on the **Consent Calendar for Monday, April 26, 1993**: House Bill(s) No(s). 588.

The Committee set the following bill(s) and/or resolution(s) on the **Regular Calendar for Monday, April 26, 1993**: House Bill(s) No(s). 622.

REPORTS FROM STANDING COMMITTEES

The committees that met on **Tuesday, April 20, 1993**, reported the following:

AGRICULTURE

The Agriculture Committee recommended that the following be referred to the Finance, Ways and Means Committee: House Bill(s)

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No(s). 417 with amendment(s). Pursuant to **Rule No. 72**, each was referred to the Finance, Ways and Means Committee.

COMMERCE

The Commerce Committee recommended for passage: House Bill(s) No(s). 558, 1156, 1141 and 1318 with amendment(s); for adoption: House Joint Resolution(s) No(s). 137 and 185 with amendment(s). Under the rules, each was transmitted to the Calendar and Rules Committee.

It further recommended that the following be referred to the Finance, Ways and Means Committee: House Bill(s) No(s). 1321. Pursuant to **Rule No. 72**, each was referred to the Finance, Ways and Means Committee.

FINANCE, WAYS AND MEANS

The Finance, Ways and Means Committee recommended for passage: House Bill(s) No(s). 1320, 1319, 503, 820, 252, 1204, 827, 346, 108, 1499, 953, 1072 and 1314; House Bill(s) No(s). 540, 433, 1373, 447 and 660 with amendment(s); also, for adoption: House Joint Resolution(s) No(s). 191. Under the rules, each was transmitted to the Calendar and Rules Committee.

GOVERNMENT OPERATIONS

The Government Operations Committee recommended for passage: House Bill(s) No(s). 241, 238 and 726 with amendment(s). Under the rules, each was transmitted to the Calendar and Rules Committee.

STATE AND LOCAL GOVERNMENT

The State and Local Government Committee recommended for passage: House Bill(s) No(s). 603, 1466, 1165 and 773; House Bill(s) No(s). 462, 1551, 885, 965 and 796 with amendment(s); for adoption: House Resolution(s) No(s). 23, 29, 30, 31, 32, 33, 34 and 35. Under the rules, each was transmitted to the Calendar and Rules Committee.

It further recommended that the following be referred to the Finance, Ways and Means Committee: House Bill(s) No(s). 1422; also, House Bill(s) No(s). 495, 1550, 205 and 291 with amendment(s). Pursuant to **Rule No. 72**, each was referred to the Finance, Ways and Means Committee.

ENROLLED BILLS **April 20, 1993**

The following bills have been compared, enrolled, and are ready

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for the signature(s) of the Speaker(s): House Bill(s) No(s). 116, 172, 408, 642, 655, 1011, 1094 and 1389; House Joint Resolution(s) No(s). 192 and 213; also, House Resolution(s) No(s). 40.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

SIGNED

April 20, 1993

The Speaker announced that he had signed the following: House Bill(s) No(s). 116, 172, 408, 642, 655, 1011, 1094 and 1389; House Joint Resolution(s) No(s). 192 and 213; also, House Resolution(s) No(s). 40.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

REPORT OF COMMITTEE ON CALENDAR AND RULES

April 21, 1993

The Calendar and Rules Committee has met and set the following bill(s) on the **Regular Calendar** for **Monday, April 26, 1993**: House Bill(s) No(s). 466 and 337.

The Committee set the following bill(s) and/or resolution(s) on the **Consent Calendar** for **Monday, April 26, 1993**: House Resolution(s) No(s). 16; House Joint Resolution(s) No(s). 70; Senate Joint Resolution(s) No(s). 53; also, House Joint Resolution(s) No(s). 20.

REPORTS FROM STANDING COMMITTEES

The committees that met on **Wednesday, April 21, 1993**, reported the following:

HEALTH AND HUMAN RESOURCES

The Health and Human Resources Committee recommended for passage: House Bill(s) No(s). 1153 and 626; House Bill(s) No(s). 1447 and 59 with amendment(s); for adoption: House Resolution(s) No(s). 28; also, House Joint Resolution(s) No(s). 136 with amendment(s). Under the rules, each was transmitted to the Calendar and Rules Committee.

It further recommended that the following be referred to the Finance, Ways and Means Committee: House Bill(s) No(s). 758 and 163; also, House Bill(s) No(s). 1420, 1200, 461, 700 and 1034 with amendment(s). Pursuant to **Rule No. 72**, each was referred to the Finance, Ways and Means Committee.

JUDICIARY

The Judiciary Committee recommended for passage: House Bill(s) No(s). 1419, 1446 and 746; also, House Bill(s) No(s). 298, 300, 1113 and 590 with amendment(s). Under the rules, each was transmitted to the Calendar and Rules Committee.

It further recommended that the following be referred to the Finance, Ways and Means Committee: House Bill(s) No(s). 355 and 229; also, House Bill(s) No(s). 1207, 786, 1091, 844, 1478 and 1576 with amendment(s). Pursuant to Rule No. 72, each was referred to the Finance, Ways and Means Committee.

We further report that the following was/were considered but failed to pass: House Bill No. 787.

MESSAGE FROM THE SENATE

April 21, 1993

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 177; adopted for concurrence.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

Senate Joint Resolution No. 0177 -- Memorials, Personal Occasion -- Mr. and Mrs. Archie Wilson Womack, 50th wedding anniversary.

RULES SUSPENDED

Rep. Buck moved that the rules be suspended for the purpose of introducing House Joint Resolution No. 229 out of order, which motion prevailed.

House Joint Resolution No. 0229 -- Memorials, Public Service -- Judge F. Lloyd Tatum, Hearing Counsel. by *Buck, *Purcell, *Chumney, *Anderson, *Hargrove, *Williams K, *DeBerry, *Naifeh.

On motion, the rules were suspended for the immediate consideration of the resolution.

On motion of Rep. Buck, the resolution was adopted by the following vote:

Ayes.	96
Noes.	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bragg, Brooks, Brown, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fisher, Fowlkes, Garrett, Givens, Gunnels, Haley, Hargrove, Hassell, Haun, Head, Herron, Hillis, Huskey, Johnson, Jones R (Shelby), Jones

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U (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Lewis, Liles, Love, McAfee, McDaniel, McKee, Meyer, Miller, Mires, Moore, Napier, Odom, Owenby, Peroulas Draper, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Severance, Shirley, Stamps, Stockburger, Stulce, Thompson, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 96.

A motion to reconsider was tabled.

RULES SUSPENDED

Rep. Wix moved that the rules be suspended for the purpose of introducing House Joint Resolution No. 226 out of order, which motion prevailed.

House Joint Resolution No. 0226 -- Naming and Designating -- Police Memorial Week, May 10-16, 1993. by *Wix, *Kent, *Huskey.

On motion, the rules were suspended for the immediate consideration of the resolution.

On motion of Rep. Wix, the resolution was adopted.

A motion to reconsider was tabled.

RULES SUSPENDED

Rep. Hillis moved that the rules be suspended for the immediate consideration of Senate Joint Resolution No. 177 out of order, which motion prevailed.

Senate Joint Resolution No. 0177 -- Memorials, Personal Occasion -- Mr. and Mrs. Archie Wilson Womack, 50th wedding anniversary. by *Cooper.

On motion, the rules were suspended for the immediate concurrence in the resolution.

On motion of Rep. Hillis, the resolution was concurred in.

A motion to reconsider was tabled.

INTRODUCTION OF RESOLUTIONS

On motion, pursuant to **Rule No. 17**, the resolution(s) listed was/were introduced and referred to the appropriate Committee:

***House Joint Resolution No. 0215 -- General Assembly, Studies -- Creates joint study committee on employment agencies. by *Givens.**

Consumer and Employee Affairs Committee.

RESOLUTIONS

Pursuant to Rule No. 17, the following resolution(s) was/were introduced and placed on the Consent Calendar for Thursday, April 22, 1993:

House Resolution No. 0041 -- Memorials, Interns -- David Holladay. by *Ridgeway.

House Resolution No. 0042 -- Memorials, Public Service -- William Doris and Betty Jo Holsapple Jones. by *Herron.

House Joint Resolution No. 0222 -- Memorials, Sports -- 1992 Henry County High School football team. by *Ridgeway.

House Joint Resolution No. 0223 -- Memorials, Sports -- Henry County girls' basketball team. by *Ridgeway.

House Joint Resolution No. 0224 -- Memorials, Personal Achievement -- Cammy Gregory, Miss Tennessee USA. by *Ridgeway.

House Joint Resolution No. 0225 -- Memorials, Interns -- Ed Frank. by *Bittle, *Peroulas Draper.

House Joint Resolution No. 0227 -- Memorials, Recognition and Thanks -- Welcomes National Campers and Hikers Association "Campvention" to Lebanon. by *Bell.

House Joint Resolution No. 0228 -- Memorials, Interns -- Michael Joseph Baloga. by *Haley, *Joyce.

House Joint Resolution No. 0230 -- Memorials, Recognition and Thanks -- Claude "Red" McMillan. by *Severance, *Boyer, *Peroulas Draper, *Bittle, *Tindell, *Armstrong, *Ritchie.

House Joint Resolution No. 0231 -- Memorials, Recognition and Thanks -- City of Pulaski, Finalist in All-American City Contest. by *Fowlkes.

House Joint Resolution No. 0232 -- Memorials, Public Service -- Katherine Snyder, President of Tennessee Federation of Democratic Women. by *Turner B.

House Joint Resolution No. 0233 -- Memorials, Recognition and Thanks -- Ollie Ruth Farmer. by *Phelan, *DeBerry, *Jones R, *Turner L, *Dixon, *Brooks.

House Joint Resolution No. 0234 -- Memorials, Recognition and Thanks -- Velma Monday. by *Windle.

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**SENATE JOINT RESOLUTIONS
(Congratulatory and Memorializing)**

Pursuant to **Rule No. 17**, the resolution(s) listed was/were noted as being placed on the Consent Calendar for Thursday, April 22, 1993:

Senate Joint Resolution No. 0168 -- Memorials, Sports -- Charles Thomas Clark, Jr. General Chairman of NAIA National Women's Basketball tournament.

Senate Joint Resolution No. 0169 -- Memorials, Professional Achievement -- Steve H. Hall, Cheatham County Teacher of the Year.

Senate Joint Resolution No. 0170 -- Memorials, Recognition and Thanks -- Richard M. "Pek" Gunn, Tennessee's Poet Laureate.

INTRODUCTION OF BILLS

On motion, the following bills were introduced and passed first consideration:

House Bill No. 1648 -- McNairy County -- Revises terms of office of members of board of education. Amends Chapter 293, Private Acts of 1992. by *Rinks.

House Bill No. 1649 -- Cleveland -- Reenacts charter. Amends Chapter 307, Acts of 1903, as amended. by *Stockburger.

House Bill No. 1650 -- Shelbyville -- Authorizes judge of city court to impose monetary penalty not to exceed \$1,000 for violation of city ordinance. Amends Chapter 47, Private Acts of 1915, as amended. by *Phillips.

House Bill No. 1651 -- Hamilton County -- Enacts "Hamilton County Purchasing Act of 1993"; authorizes certain categories of purchases to be made without competitive bidding constraints. Amends Chapter 156, Private Acts of 1941, as amended. by *Stulce, *Wood, *Brown, *McAfee, *Meyer.

SENATE BILLS TRANSMITTED

On motion, the Senate Bills listed below, transmitted to the House, were held on the Clerk's desk pending third consideration of the companion House Bill as noted:

***Senate Bill No. 0340** -- Hospitals and Health Care Facilities -- Requires department to notify health facilities if required construction plan information is completed within 14 days of submission; requires action on approval by department within 45 days of submission. Amends TCA, Title 68, Ch. 11. (HB 1034).

***Senate Bill No. 0763** -- State Employees -- Prohibits gifts to state officials and employees with limited exceptions; expands

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prohibition on honoraria. Amends TCA, Title 2, Ch. 10; Title 3, Ch. 6; Title 8, Ch. 50, Pt. 5. (HB 1287).

***Senate Bill No. 1057** -- Sentencing -- Enacts "Victim Impact Statement Act". Amends TCA, Title 40. (HB 0786).

***Senate Bill No. 1291** -- Education -- Gives greater access to educational services for visually impaired elementary and secondary school students through individualized education programs. Same as *SB 1307. Amends TCA, Title 49, Ch. 10. (HB 1279).

***Senate Bill No. 1320** -- Courts, General Sessions -- Allows any person over 18 years of age to serve process issued by a general sessions court or a court exercising general sessions jurisdiction. Amends TCA 16-15-601. (HB 1055).

***Senate Bill No. 1442** -- General Assembly -- Increases eligible retirement age to 60; requires five years of service for eligibility; limits pension to 75 percent of average final compensation; requires forfeiture of pension for conviction of felony arising out of state employment. Amends TCA, Title 8, Chs. 35, 36. (HB 1427).

HOUSE BILLS ON SECOND CONSIDERATION

On motion, bills listed below passed second consideration and were referred by the Speaker to Committee or held on the Clerk's desk as noted:

House Bill No. 1647 -- Sullivan County -- Held on Clerk's desk pending approval by local delegation.

CONSENT CALENDAR

House Resolution No. 0039 -- Memorials, Public Service -- Charlie Watkins.

House Joint Resolution No. 0216 -- Memorials, Personal Achievement -- Nora Duff.

House Joint Resolution No. 0217 -- Memorials, Sports -- Parrotsville Elementary School Lady Parrots.

House Joint Resolution No. 0218 -- Memorials, Retirement -- Charles and Beth Runnion.

House Joint Resolution No. 0219 -- Memorials, Personal Achievement -- Caleb C. Crye, Voice of Democracy essay winner.

House Joint Resolution No. 0220 -- Memorials, Personal Achievement -- Bryant Benson, Voice of Democracy essay winner.

House Joint Resolution No. 0221 -- Memorials, Personal

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Achievement -- Amy Gray Piper, Voice of Democracy essay winner.

Pursuant to Rule No. 50, Rep. Phillips moved that all House Bills having companion Senate Bills and are on the Clerk's desk be conformed and substituted for the appropriate House Bill, all Senate and House Bills on the Consent Calendar be passed on third and final consideration, all House Resolutions and House Joint Resolutions be adopted, and all Senate Joint Resolutions on the Consent Calendar be concurred in, which motion prevailed by the following vote:

Ayes.	93
Noes.	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bragg, Brooks, Brown, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole (Carter), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fisher, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Harwell, Hargrove, Hassell, Haun, Head, Hillis, Huskey, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, Kisber, Lewis, Liles, Love, McAfee, McDaniel, McKee, Meyer, Miller, Mires, Moore, Napier, Owenby, Peroulas Draper, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Severance, Shirley, Stamps, Stockburger, Stulce, Thompson, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 93.

A motion to reconsider was tabled.

REGULAR CALENDAR

***House Bill No. 0031** -- Personnel, Dept. of -- Directs department of personnel, office of legislative administration and supreme court to establish policies and training for the prevention of sexual harassment. Amends TCA, Title 3, Ch. 13; Title 4, Ch. 3, Pt. 17; Title 4, Ch. 21; Title 16, Ch. 3, Pt. 5.

Further consideration of House Bill No. 31, previously considered on April 4, 1993, at which time it was reset to the Calendar for April 21, 1993.

Rep. Chumney moved that House Bill No. 31 be passed on third and final consideration.

Rep. Love moved adoption of State and Local Government Committee Amendment No. 1 as follows:

Amendment No. 1

Amend House Bill No. 31 by adding the following language as a new, appropriately numbered section immediately preceding the

effective date section, and by renumbering the effective date section accordingly:

Section _____. The state board of regents of the state university and community college system and the board of trustees of the university of Tennessee shall provide training on sexual harassment for their campuses and shall provide a hearing process according to law.

On motion, Amendment No. 1 was adopted.

Rep. Love moved adoption of State and Local Government Committee Amendment No. 2 as follows:

Amendment No. 2

Amend House Bill No. 31 by designating the existing language of Section 1 as subsection (a) and by adding the following new subsection:

(b) Each entity of state government shall post in the workplace the policy established pursuant to this act.

On motion, Amendment No. 2 was adopted.

Rep. Fisher moved that Amendment No. 3 be withdrawn, which motion prevailed.

Rep. Fisher moved that Amendment No. 4 be withdrawn, which motion prevailed.

Rep. Fisher moved to adopt Amendment No. 5 as follows:

Amendment No. 5

Amend House Bill No. 31 by deleting Section 4 and by substituting instead the following and by renumbering the effective date section accordingly:

SECTION 4. The Tennessee Code Commission shall publish as a permanent note to Tennessee Code Annotated, Title 4, Chapter 21, the rule of the state human rights commission concerning sexual harassment which is presently printed as 29 CFR §1604.11, as such rule may from time to time be amended.

SECTION 5. The department of employment security shall in consultation with the human rights commission promulgate rules which provide for the distribution in one (1) of the department's regular mailings to the employers of the state materials explaining the sexual harassment rules of the state human rights commission. These materials, which the employer shall make available to its

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employees, may be in the form of a poster, brochure, or pamphlet.

On motion, Amendment No. 5 was adopted.

Rep. Chumney moved that House Bill No. 31 be passed on third and final consideration.

Rep. Haun moved that **House Bill No. 31** be re-referred to the Judiciary Committee.

Rep. Chumney moved to table the motion to re-refer, which motion failed by the following vote:

Ayes.	40
Noes.	52
Present and not voting.	1

Representatives voting aye were: Bragg, Brooks, Brown, Byrd, Chumney, Clark, Davidson, DeBerry, Dixon, Duer, Ferguson, Fisher, Givens, Halteman Harwell, Hargrove, Hassell, Herron, Hillis, Jones R (Shelby), Jones U (Shelby), Kernell, Kisber, Knight, Meyer, Mires, Odom, Owenby, Phillips, Purcell, Stamps, Thompson, Tindell, Turner (Shelby), Walley, West, Williams (Shelby), Williams (Williamson), Windle, Winningham, Mr. Speaker Naifeh -- 40.

Representatives voting no were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Buck, Callicott, Chiles, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davis, Fowlkes, Gunnels, Haley, Haun, Head, Huskey, Johnson, Joyce, Kent, Lewis, Liles, McAfee, McDaniel, McKee, Moore, Napier, Peroulas Draper, Phelan, Pinion, Pruitt, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Severance, Shirley, Stockburger, Stulce, Turner (Hamilton), Venable, Westmoreland, Whitson, Williams (Union), Wix, Wood -- 52.

Representatives present and not voting were: Love -- 1.

Rep. McAfee moved the previous question on the motion to re-refer, which motion prevailed by the following vote:

Ayes.	66
Noes.	24
Present and not voting.	3

Representatives voting aye were: Allen, Anderson, Arriola, Bell, Bittle, Bragg, Brooks, Buck, Byrd, Callicott, Clark, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, Davis, Dixon, Ferguson, Fowlkes, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Head, Herron, Hillis, Huskey, Johnson, Kent, Kisber, Liles, McAfee, McDaniel, McKee, Mires, Moore, Napier, Owenby, Phelan, Phillips, Pinion, Pruitt, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson, Severance, Shirley, Stamps, Stulce, Thompson, Turner (Hamilton), Venable, Walley, West, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wix, Wood -- 66.

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Representatives voting no were: Armstrong, Brown, Chumney, Coffey, DeBerry, Duer, Fisher, Hassell, Haun, Jones R (Shelby), Jones U (Shelby), Joyce, Knight, Lewis, Meyer, Odom, Peroulas Draper, Ramsey, Ritchie, Stockburger, Tindell, Turner (Shelby), Westmoreland, Williams (Shelby) -- 24.

Representatives present and not voting were: Kernell, Love, Purcell -- 3.

Rep. Haun renewed the motion to re-refer House Bill No. 31 to the Judiciary Committee, which motion failed by the following vote:

Ayes.	40
Noes.	54

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Callicott, Chiles, Coffey, Cole (Carter), Cole (Dyer), Cross, Davis, Gunnels, Haley, Haun, Head, Huskey, Joyce, Liles, McAfee, McDaniel, McKee, Napier, Phelan, Ramsey, Rhinehart, Rigsby, Rinks, Ritchie, Severance, Shirley, Stockburger, Stulce, Turner (Hamilton), Venable, Westmoreland, Whitson, Wix, Wood -- 40.

Representatives voting no were: Bragg, Brooks, Brown, Buck, Byrd, Chumney, Clark, Collier, Crain, Davidson, DeBerry, Dixon, Duer, Ferguson, Fisher, Fowlkes, Givens, Halteman Harwell, Hargrove, Hassell, Herron, Hillis, Jones R (Shelby), Jones U (Shelby), Kent, Kernell, Kisber, Knight, Lewis, Love, Meyer, Mires, Moore, Odom, Owenby, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Ridgeway, Robinson, Stamps, Thompson, Tindell, Turner (Shelby), Walley, West, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Mr. Speaker Naifeh -- 54.

Rep. Chumney moved that House Bill No. 31, as amended, be passed on third and final consideration.

Rep. Haun moved that **House Bill No. 31** be re-referred to the Finance, Ways and Means Committee.

Rep. Chumney moved to table the motion to re-refer, which motion prevailed by the following vote:

Ayes.	49
Noes.	40
Present and not voting.	1

Representatives voting aye were: Armstrong, Bragg, Brooks, Brown, Buck, Byrd, Chumney, Cole (Dyer), Collier, Crain, Davidson, DeBerry, Dixon, Duer, Ferguson, Fisher, Fowlkes, Givens, Halteman Harwell, Hargrove, Hassell, Herron, Hillis, Jones R (Shelby), Kent, Kernell, Kisber, Knight, Love, Meyer, Odom, Owenby, Peroulas Draper, Phillips, Pinion, Purcell, Ridgeway, Severance, Stamps, Stulce, Thompson, Tindell, Turner (Shelby), Walley, West, Williams (Shelby), Williams (Williamson), Windle, Mr. Speaker Naifeh -- 49.

Representatives voting no were: Allen, Anderson, Arriola, Bell, Bittle, Callicott, Chiles, Cole (Carter), Cross, Davis, Gunnels, Haley, Haun, Huskey, Johnson, Joyce, Lewis, Liles, McAfee, McDaniel, McKee, Mires, Moore, Napier, Phelan, Ramsey, Rigsby, Rinks, Ritchie, Robinson, Shirley, Stockburger, Turner (Hamilton), Venable, Westmoreland, Whitson, Williams (Union), Winningham, Wix, Wood -- 40.

Representatives present and not voting were: Rhinehart -- 1.

Rep. Severance moved the previous question, which motion prevailed.

Rep. Chumney moved that **House Bill No. 31**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	80
Noes.	11
Present and not voting.	2

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bragg, Brooks, Brown, Buck, Byrd, Chumney, Cole (Carter), Cole (Dyer), Collier, Crain, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fisher, Fowlkes, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Herron, Hillis, Huskey, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Lewis, Love, McDaniel, McKee, Meyer, Miller, Mires, Moore, Napier, Odom, Owenby, Peroulas Draper, Phillips, Pinion, Purcell, Ramsey, Ridgeway, Rinks, Ritchie, Robinson, Stamps, Stockburger, Stulce, Thompson, Tindell, Turner (Shelby), Venable, Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 80.

Representatives voting no were: Callicott, Chiles, Cross, Haun, Head, Liles, McAfee, Phelan, Rigsby, Severance, Shirley -- 11.

Representatives present and not voting were: Rhinehart, Turner (Hamilton) -- 2.

A motion to reconsider was tabled.

House Bill No. 0698 -- Fire Prevention and Investigation -- Transfers arson investigators from department of commerce and insurance to TBI; establishes arson investigation division. Amends TCA, Title 38, Ch. 6; Title 68, Ch. 102.

Further consideration of House Bill No. 698, previously considered on March 8, 25 and April 7, 1993, at which time Amendment No. 1 was moved to the Heel of the Amendments, a motion was made to adopt Amendment No. 2, then the bill was reset to the Calendar for April 21, 1993.

Rep. Bragg moved that House Bill No. 698 be reset two weeks to the Calendar for Wednesday, May 5, 1993, which motion prevailed.

***House Bill No. 0992** -- Insurance, Health, Accident -- Requires commissioner of commerce and insurance to develop and implement standardized forms, including UB 92, for exclusive use by claimants when making claims against health care insurance policies in effect in state. Amends TCA, Title 56.

On motion, House Bill No. 992 was made to conform with **Senate Bill No. 1301**; the Senate Bill was substituted for the House Bill.

Rep. Herron moved that **Senate Bill No. 1301** be passed on third and final consideration.

Rep. Herron moved to adopt Amendment No. 1 as follows:

Amendment No. 1

AMEND Senate Bill No. 1301 by adding the language ", in consultation with the commissioner of health," in the amendatory language of subsection (a) of Section 1 between the words "commerce and insurance" and the words "shall promulgate".

AND FURTHER AMEND by inserting the language "and the commissioner of health" in the amendatory language of subsection (b) of Section 1 between the words "commerce and insurance" and the words "shall develop".

AND FURTHER AMEND by adding the language ", in consultation with the commissioner of health," in the amendatory language of subsection (c) of Section 1 between the words "commerce and insurance" and the words "shall promulgate".

On motion, Amendment No. 1 was adopted.

Rep. Herron moved that **Senate Bill No. 1301**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	91
Noes.	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bragg, Brooks, Brown, Buck, Byrd, Callicott, Chiles, Chumney, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fisher, Fowlkes, Givens, Gunnels, Haley, Halteman, Harwell, Hargrove, Hassell, Haun, Head, Herron, Hillis, Huskey, Johnson, Jones R (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Lewis, Liles, Love, McAfee, McDaniel, McKee, Meyer, Miller, Mires, Moore, Napier, Odom, Peroulas, Draper, Phelan, Phillips, Pinion, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Severance, Shirley,

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Stamps, Stockburger, Stulce, Thompson, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 91.

A motion to reconsider was tabled.

***Senate Bill No. 0815** -- Chiropractors -- Adds position of vice president to board of chiropractic examiners. Amends TCA, Title 63, Ch. 4.

Further consideration of Senate Bill No. 815, previously considered on March 31 and April 7, 1993, at which time on April 7, it was substituted for House Bill No. 527, a motion was made to adopt Amendment No. 1, a motion was made to table Amendment No. 1 failed, the bill was reset for April 14, at which time it was reset to the Calendar for April 21, 1993.

Rep. Stamps moved that Senate Bill No. 815 be reset two weeks to the Calendar for Wednesday, May 5, 1993, which motion prevailed.

MOTION TO RECESS

Rep. Fisher moved that the House stand in recess to allow the AA State Champion, Meigs County Girls Basketball team to be introduced, which motion prevailed.

RECESS EXPIRED

The recess having expired, Speaker Naifeh called the House to order.

Rep. Purcell moved that the House dispense with the roll call, which motion prevailed.

RULES SUSPENDED

Rep. R. Jones moved that the rules be suspended for the purpose of introducing House Joint Resolution No. 235 out of order, which motion prevailed.

House Joint Resolution No. 0235 -- Memorials, Sports -- 1992-1993 Fairley High School boys' basketball team, TSSAA Class AAA state champions. by *Jones R, *Byrd, *Williams K, *Thompson, *Brooks, *Joyce, *Chumney, *DeBerry, *Turner L, *Napier, *Kent, *Hassell, *Jones U, *Haley, *Shirley, *Miller, *Dixon, *Kernell.

On motion, the rules were suspended for the immediate consideration of the resolution.

On motion of Rep. R. Jones, the resolution was adopted.

A motion to reconsider was tabled.

RULES SUSPENDED

Rep. Rhinehart moved that the rules be suspended for the purpose of introducing House Joint Resolution No. 236 out of order, which motion prevailed.

***House Joint Resolution No. 0236** -- Memorials, Government Officials -- Requests department of finance and administration to commence negotiations with federal office of surface mining to obtain primacy for regulation of surface mining. by *Rhinehart.

On motion of Rep. Rhinehart, House Joint Resolution No. 236 was referred to the Finance, Ways and Means Committee.

REGULAR CALENDAR, CONTINUED

***Senate Bill No. 0068** -- Water Pollution and Water Resources -- Authorizes municipalities of more than 100,000 to regulate storm water management.

Further consideration of Senate Bill No. 68, previously considered on April 15, 1993, at which time it was substituted for House Bill No. 56. Amendment No. 1 was withdrawn, Amendment No. 2 was adopted and the bill was reset to the Calendar for April 21, 1993.

Rep. Odom moved that **Senate Bill No. 68** be passed on third and final consideration.

Rep. Turner (Hamilton) moved that Amendment No. 3 be withdrawn, which motion prevailed.

Rep. Turner (Hamilton) moved that Amendment No. 4 be withdrawn, which motion prevailed.

Rep. Turner (Hamilton) moved to adopt Amendment No. 5 as follows:

Amendment No. 5

Amend Senate Bill No. 68 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

Section ____ (a) The provisions of this section shall only apply to municipalities in counties having a population of not less than two hundred eighty-five thousand (285,000) nor more than two hundred eighty-six thousand (286,000) according to the 1990 federal census or any subsequent federal census.

(b) The chief administrative officer of the agency or

entity responsible for implementing the provisions of this act or his designated representative shall report annually and personally to the legislative delegation of any municipality to which this section applies on the storm water management program for which he is responsible. Such report shall include, at a minimum, the following:

(1) the status of the storm water management program in such municipality;

(2) the fee structure imposed to fund the implementation of this act and the adequacy of such fees to implement this act;

(3) any long range plans which have been developed to implement the provisions of this act;

(4) the status of any projects to control storm water runoff;

(5) the status of any condemnation proceedings pursuant to the provisions of this act; and

(6) any other information deemed relevant by such officer or requested by the delegation.

Rep. Severance moved to amend as follows:

Amendment No. 1 to Amendment No. 5

Amend Senate Bill No. 68 by adding the following language to subsection (a):

The provisions of this section shall also apply to the municipality having the largest population in any county with a population of not less than 335,000 nor more than 336,000 according to the 1990 federal census or any subsequent federal census.

On motion, Amendment No. 1 to Amendment No. 5 was adopted.

Rep. Haley moved to amend as follows:

Amendment No. 2 to Amendment No. 5

Amend Senate Bill No. 68 by adding the following language to subsection (a):

The provisions of this section shall also apply to the municipality having the largest population in any county with a population in excess of 800,000 according to the 1990 federal census or any subsequent federal census.

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On motion, Amendment No. 2 to Amendment No. 5 was adopted.

Rep. Arriola moved that Amendment No. 3 to Amendment No. 5 be withdrawn, which motion prevailed.

On motion, Amendment No. 5, as amended, was adopted.

Rep. DeBerry moved to adopt Amendment No. 6 as follows:

Amendment No. 6

Amend Senate Bill No. 68 by deleting subdivision (3) of Section 2 of the printed bill and substituting instead the following:

(3) "Municipality" means any incorporated city or town, metropolitan government, or special district of this state having a population not less than one hundred thousand (100,000) according to the 1990 or any subsequent federal census empowered to provide storm water facilities.

On motion, Amendment No. 6 was adopted.

Rep. Odom moved that **Senate Bill No. 68**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	80
Noes.	12
Present and not voting.	2

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bragg, Brooks, Brown, Buck, Byrd, Callicott, Chumney, Clark, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fisher, Fowlkes, Givens, Gunnels, Haley, Hargrove, Hassell, Haun, Head, Herron, Hillis, Huskey, Johnson, Jones R (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Lewis, Liles, Love, McAfee, McDaniel, McKee, Miller, Mires, Moore, Napier, Odom, Peroulas Draper, Phelan, Phillips, Pinion, Pruitt, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Stamps, Stulce, Thompson, Turner (Hamilton), Turner (Shelby), Venable, Westmoreland, Whitson, Williams (Shelby), Windle, Wix, Wood, Mr. Speaker Naifeh -- 80.

Representatives voting no were: Chiles, Halteman Harwell, Meyer, Purcell, Ramsey, Severance, Shirley, Stockburger, Tindell, Walley, West, Williams (Union) -- 12.

Representatives present and not voting were: Owenby, Winningham -- 2.

A motion to reconsider was tabled.

CHAIR TO SPEAKER PRO TEMPORE

Mr. Speaker Naifeh relinquished the Chair to Rep. Rinks, as Speaker pro tempore.

REGULAR CALENDAR, CONTINUED

House Bill No. 1388 -- Education, Dept. of -- Requires hearing officer to have post graduate degree or five years of professional experience in education. Amends TCA 49-10-601.

On motion, House Bill No. 1388 was made to conform with **Senate Bill No. 870**; the Senate Bill was substituted for the House Bill.

Rep. Peroulas Draper moved that **Senate Bill No. 870** be passed on third and final consideration.

On motion, Rep. Davidson withdrew Education Committee Amendment No. 1.

Rep. Peroulas Draper moved that **Senate Bill No. 870** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	93
Noes.	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bragg, Brooks, Brown, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fisher, Fowlkes, Givens, Gunnels, Haley, Halteman, Harwell, Hargrove, Hassell, Haun, Head, Herron, Hillis, Huskey, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Lewis, Liles, Love, McAfee, McDaniel, McKee, Meyer, Miller, Mires, Napier, Odom, Owenby, Peroulas Draper, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Severance, Shirley, Stamps, Stockburger, Stulce, Thompson, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wix, Wood -- 93.

A motion to reconsider was tabled.

Senate Bill No. 0452 -- Utilities, Utility Districts -- Increases from three to five number of commissioners serving on board of certain water utility districts in Hawkins County. Amends TCA 7-82-307.

Further consideration of Senate Bill No. 452, previously considered on April 8 and 14, 1993, at which time it was substituted for House Bill No. 261, Amendment No. 1 was withdrawn, and the bill was reset to the Calendar for April 21, 1993.

Rep. Givens moved that **Senate Bill No. 452** be passed on third and final consideration.

Rep. Ferguson moved to adopt Amendment No. 2 as follows:

Amendment No. 2

Amend Senate Bill No. 452 by adding the following new language at the end of the amendatory language of subdivision (1) of Section 1 of the bill as amended:

Further, each water utility district whose principal office lies within a county with a population of not less than forty-seven thousand two hundred (47,200) nor more than forty-seven thousand three hundred (47,300), according to the 1990 federal census or any subsequent federal census, and which serves more than one thousand (1,000) customers shall, upon duly adopted resolution of the utility district board of commissioners, be governed by a five (5) member board of commissioners.

On motion, Amendment No. 2 was adopted.

Rep. Windle moved to adopt Amendment No. 3 as follows:

Amendment No. 3

Amend Senate Bill No. 452 by adding the following new language at the end of the amendatory language of subdivision (1) of Section 1 of the bill as amended:

Two (2) of the commissioners appointed pursuant to this subdivision shall be residents of a county which lies within the service area of the utility district and has a population of not less than seventeen thousand two hundred fifty (17,250) nor more than seventeen thousand five hundred fifty (17,550) according to the 1990 federal census or any subsequent federal census. These two (2) members shall continue to be appointed in the manner required prior to the effective date of this act.

On motion, Amendment No. 3 was adopted.

Rep. Givens moved that **Senate Bill No. 452**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	96
Noes.	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bragg, Brooks, Brown, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole (Carter), Cole (Dyer), Collier,

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Crain, Cross, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fisher, Fowlkes, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Haun, Head, Herron, Hillis, Huskey, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Lewis, Liles, Love, McAfee, McDaniel, McKee, Meyer, Miller, Mires, Moore, Napier, Odom, Owenby, Peroulas Draper, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Severance, Shirley, Stamps, Stockburger, Stulce, Thompson, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 96.

A motion to reconsider was tabled.

***House Resolution No. 0005** -- General Assembly, Review Or Ratification of Rules -- Ratifies revisions to Rules of Appellate Procedure.

Further consideration of House Resolution No. 5, previously considered on April 12 and 14, 1993, at which time it was reset to the Calendar for April 21, 1993.

Rep. Buck moved that House Resolution No. 5 be adopted, which motion prevailed by the following vote:

Ayes.	96
Noes.	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bragg, Brooks, Brown, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fisher, Fowlkes, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Haun, Head, Herron, Hillis, Huskey, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Lewis, Liles, Love, McAfee, McDaniel, McKee, Meyer, Miller, Mires, Moore, Napier, Odom, Owenby, Peroulas Draper, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Severance, Shirley, Stamps, Stockburger, Stulce, Thompson, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 96.

A motion to reconsider was tabled.

MESSAGE FROM THE SENATE
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MR. SPEAKER: I am directed to transmit to the House, Senate

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Bill(s) No(s). 398; passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

***Senate Bill No. 0398 -- AIDS -- Creates offense of criminal exposure of another to HIV. Amends TCA, Title 39, Ch. 13, Pt. 1. by *Koella, *Crowe.**

REGULAR CALENDAR, CONTINUED

House Bill No. 0585 -- AIDS -- Creates offense of criminal exposure of another to HIV. Amends TCA, Title 39, Ch. 13, Pt. 1.

On motion, House Bill No. 585 was made to conform with **Senate Bill No. 398**; the Senate Bill was substituted for the House Bill.

Rep. Peroulas Draper moved that **Senate Bill No. 398** be passed on third and final consideration.

On motion, Rep. Buck withdrew Judiciary Committee Amendment No. 1.

Rep. Peroulas Draper moved to adopt Amendment No. 2 as follows:

Amendment No. 2

Amend Senate Bill No. 398 by deleting the language which reads:

Section _____. A person who has a reasonable belief that a person has knowingly exposed another to HIV may inform the potential victim without incurring any liability. A person making such disclosure is immune from liability for making disclosure of the condition to the potential victim.

On motion, Amendment No. 2 was adopted.

Rep. Peroulas Draper moved that **Senate Bill No. 398**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	93
Noes.	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bragg, Brooks, Brown, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fisher, Fowlkes, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Haun, Head, Herron, Hillis, Huskey, Johnson, Jones R (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Lewis, Liles, Love, McAfee, McDaniel, McKee, Meyer, Miller, Mires, Moore, Napier,

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Owenby, Peroulas Draper, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Severance, Shirley, Stamps, Stockburger, Stulce, Thompson, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wix, Wood -- 93.

A motion to reconsider was tabled.

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MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 1202; passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

Senate Bill No. 1202 -- Pensions and Retirement Benefits -- Expands scope of securities lending agreements entered into by board of trustees; limits amount of securities lent as percentage of total portfolio. Amends TCA 8-36-111; Title 8, Ch. 37, Pt. 1. by *Rochelle.

CHAIR TO DEBERRY

Speaker pro tem Rinks relinquished the Chair to Rep. DeBerry, Speaker Pro Tempore.

REGULAR CALENDAR, CONTINUED

House Bill No. 1143 -- Taxes, Privilege -- Authorizes employing state or local government to pay professional privilege tax for employees. Amends TCA, Title 67, Ch. 4, Pt. 17.

Rep. West moved that House Bill No. 1143 be passed on third and final consideration.

Rep. Bragg moved adoption of Finance, Ways and Means Committee Amendment No. 1 as follows:

Amendment No. 1

Amend House Bill No. 1143 by deleting from Section 1 the words "and state agencies"

On motion, Amendment No. 1 was adopted.

Rep. Callicott moved to adopt Amendment No. 2 as follows:

Amendment No. 2

Amend House Bill No. 1143 by adding the following language at the end of Section 1:

The provisions of this section shall not apply to any county having a population of not less than 80,000 nor more than 83,000, according to the 1990 federal census or any subsequent federal census or to any municipal government in any municipality located in such county.

On motion, Amendment No. 2 was adopted.

Rep. West moved that House Bill No. 1143, as amended, be passed on third and final consideration.

Rep. West moved that House Bill No. 1143 be reset to the Calendar for Monday, April 26, 1993, which motion prevailed.

House Bill No. 1366 -- Regional Authorities -- Restricts authority of watershed districts. Amends TCA 69-7-118.

On motion, House Bill No. 1366 was made to conform with Senate Bill No. 1503; the Senate Bill was substituted for the House Bill.

Rep. West moved that Senate Bill No. 1503 be passed on third and final consideration.

On motion, Rep. Love withdrew State and Local Government Committee Amendment No. 1.

Rep. Rhinehart moved the previous question, which motion prevailed.

Rep. West moved that Senate Bill No. 1503 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	90
Noes.	5

Representatives voting aye were: Allen, Anderson, Arriola, Bell, Bittle, Bragg, Brooks, Brown, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fisher, Fowlkes, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Haun, Head, Hillis, Huskey, Johnson, Jones R (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Lewis, Liles, Love, McAfee, McDaniel, Meyer, Miller, Mires, Moore, Napier, Odom, Owenby, Peroulas Draper, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson, Severance, Shirley, Stamps, Stockburger, Stulce, Thompson, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle,

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Winningham, Wix, Wood, Mr. Speaker Naifeh -- 90.

Representatives voting no were: Armstrong, Herron, McKee, Ritchie, Tindell -- 5.

A motion to reconsider was tabled.

House Bill No. 0386 -- Pardons and Paroles -- Repeals parole eligibility review board. Amends TCA, Title 40, Ch. 35, Pt. 6.

Rep. West moved that **House Bill No. 386** be re-referred to the Calendar and Rules Committee, which motion prevailed.

House Bill No. 0756 -- Athletic Trainers -- Revises various provisions relative to licensure of athletic trainers. Amends TCA, Title 63, Ch. 24.

Rep. Kisber moved that House Bill No. 756 be passed on third and final consideration.

On motion, Rep. Dixon withdrew Health and Human Resources Committee Amendment No. 1.

Rep. Dixon moved to adopt Amendment No. 2 as follows:

Amendment No. 2

Amend House Bill No. 756 by deleting the words "or any comparable injury" from the definition of "Athletic injury", subdivision (1) of Section 1.

On motion, Amendment No. 2 was adopted.

Rep. Kisber moved that **House Bill No. 756**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	94
Noes.	1

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bragg, Brooks, Brown, Buck, Byrd, Callicott, Chumney, Clark, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fisher, Fowlkes, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Haun, Head, Herron, Hillis, Huskey, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Lewis, Liles, Love, McAfee, McDaniel, McKee, Meyer, Miller, Mires, Moore, Napier, Odom, Owenby, Peroulas Draper, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Severance, Shirley, Stamps, Stockburger, Stulce, Thompson, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West,

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Westmoreland, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 94.

Representatives voting no were: Coffey -- 1.

A motion to reconsider was tabled.

House Bill No. 1076 -- Medicine, Practice of -- Increases per diem for state board of medical examiners from \$50.00 to \$100 per day. Amends TCA, Title 63, Ch. 6.

Rep. Rhinehart moved that House Bill No. 1076 be passed on third and final consideration.

Rep. Dixon moved adoption of Health and Human Resources Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 1076 by deleting Sections 1 and 2 in their entirety, and substituting instead the following language:

SECTION 1. Tennessee Code Annotated, Section 63-6-101 is amended by deleting subsection (a) in its entirety and substituting instead the following:

(a) There shall be a board to be known as the board of medical examiners, herein referred to as the "board" to consist of ten (10) members. Nine (9) members shall be duly licensed physicians each of whom must meet the following qualifications:

1) Graduation from a medical school whose curriculum is substantially similar to, and whose educational standards are as high as that of, the medical department of the University of Tennessee, as published at the time of its extant catalogue; and

2) Having not less than six (6) years experience in the practice of either medicine or surgery or both.

One (1) member shall be a non-physician who is a consumer of health care and who neither owns, nor has any financial or other interest in, any health care facility or business or school of medicine or other allied health care practitioner educational program and who shall represent the public at large.

It shall be the board's duty to examine the qualifications of all applicants for certification of fitness to practice medicine or surgery in this state,

to conduct disciplinary hearings, and to make such rules and regulations as are necessary to carry out and make effective the provisions of this chapter. Any rules and regulations promulgated by the board shall comply with all requirements of the Uniform Administrative Procedures Act, compiled in Title 4, Chapter 5. No member shall be employed by or be a member of the governing body of, or have a financial interest in, any medical school, college, or university of the state; or of any school, college, or university in which allied health care practitioners who are under the regulation of the board receive their qualifying education.

SECTION 2. Tennessee Code Annotated, Section 63-6-102(a)(1) is amended by adding the following sentence at the end of the subdivision (A):

All board members subsequently added to the board after May 2, 1993, shall be appointed so as to serve staggered terms of from one (1) to four (4) years, with one member appointed to a one (1) year term, the second member appointed to a two (2) year term, the third member appointed to a three (3) year term, and the fourth member appointed to serve a four (4) year term.

SECTION 3. Tennessee Code Annotated, Section 63-6-102(c) is amended by deleting the subsection entirely and by substituting instead the following language as a new subsection (c):

(c) In making appointments to the board, the governor shall, to the extent feasible, strive to ensure the full ten (10) member board is composed of at least one (1) person who is sixty (60) years of age or older, one (1) person who is female, and one (1) person who is an African-American.

SECTION 4. Tennessee Code Annotated, Section 63-6-103 is amended by deleting the language of subsection (b) in its entirety and substituting instead the following:

(b) For purposes of conducting administrative business and promulgating rules and regulations, seven (7) members shall constitute a quorum and the board shall meet at least twice a year to conduct such administrative business. For purposes of contested case hearings, three (3) or more members shall constitute a quorum and the board president is authorized, when it is deemed necessary, to split the board into panels of three (3) or more each to conduct contested case hearings. The board president shall have the authority to appoint board members to serve as necessary on the panels regardless of the grand

division from which the appointed member was chosen. A majority vote of those present at any meeting shall be required to authorize board action on any board business.

SECTION 5. Tennessee Code Annotated, Section 63-6-104(b)(1) is amended by deleting the language "of fifty dollars (\$50.00)" after the phrase "per diem of" in the first line and by substituting "of one hundred dollars (\$100.00)". Additionally, subsection (b)(1) is amended by inserting after the phrase "professional certificates" in the first sentence the language ", and other administrative functions of the board,".

SECTION 6. Tennessee Code Annotated, Section 63-6-203(a)(2) is amended by inserting the words "or renewing a certificate" between the words "certificate" and "constitutes".

SECTION 7. Tennessee Code Annotated, Section 63-6-206 is amended by adding the following language at the end of the section:

In no event, shall the negligent issuance of a license result in criminal prosecution under this chapter.

SECTION 8. Tennessee Code Annotated, Section 63-6-207 is amended as follows:

Section 63-6-207(a)(1)(A), (a)(1)(C), and (a)(2)(G) are each amended respectively by deleting all references to "the Liaison Committee on Medical Education" and substituting instead "the American Medical Association or its extant accreditation program for medical education, or its successor".

Section 63-6-207(a)(1)(E) is amended by adding the phrase "and work" after the phrase "legally entitled to live".

Section 63-6-207(a)(2)(F) is amended by adding the phrase "and work" after the phrase "legally entitled to live".

Section 63-6-207(a)(2) is amended by deleting the phrase "foreign medical school graduate" and substituting instead "international medical school graduate".

Section 63-6-207(a)(2)(C) is deleted in its entirety and the remaining subsections relettered accordingly.

Section 63-6-207(c) is amended after the word

"board" in the first sentence by adding the language "or the board's administrative designee". Further, Section 63-6-207(c) is amended by inserting in the third sentence the language "and/or the United States Medical Licensing Examination or its successor examination" after the reference "the National Board of Medical Examiners Examination".

Section 63-6-207(c) is further amended by adding the following language at the end of the subsection:

The board reserves the right to designate its administrative staff to administer the licensing examinations and to collect such application and examination fees as the board, in its discretion, may deem necessary

Section 63-6-207 is amended by adding the following language as a new subsection to be appropriately lettered:

() The board or the board's designee is specifically authorized to conduct applicant interviews from time to time as it deems necessary on a case by case basis.

SECTION 9. Tennessee Code Annotated, Section 63-6-208 is deleted in its entirety.

SECTION 10. Tennessee Code Annotated, Section 63-6-209 is amended by deleting the language after the word "applicant" and substituting the language "has met all licensure criteria or qualifications and successfully passed the examination."

Section 63-6-209 is further amended by adding the following language at the end of the section:

The board shall also have the authority to issue locum tenens and/or conditional licenses as it deems appropriate after reviewing the qualifications of applicants. In addition to the authority granted the board in Tennessee Code Annotated, Section 63-6-214, the board shall have the authority to issue restricted licenses to current applicants or current licensees or both as it deems necessary pursuant to the administrative procedures act at Title 4, Chapter 5.

SECTION 11. Tennessee Code Annotated, Section 63-6-210(c) is amended by adding the following language at the end of the subsection:

Notwithstanding subsections (b) and (c), when any

person practices medicine pursuant to a license that has not been timely renewed, such conduct shall not be considered to be the practice of medicine without a valid license, until such time as the board may deny such person's license renewal pursuant to the hearing requirements of this chapter.

Tennessee Code Annotated, Section 63-6-210(d) is amended by adding the following language at the end of the subsection:

The board shall have the authority to create a renewable inactive licensure status, as it deems appropriate upon payment of an appropriate fee assessment and compliance with requirements established by the board, for those licensees who actively practice medicine in a state other than Tennessee.

Tennessee Code Annotated, Section 63-6-210(e) is amended by adding the following language at the end of subdivision (2):

In the event a person fails to timely apply for renewal of licensure as indicated herein, such failure shall be addressed by the board pursuant to the provisions of subsections (b) and (c) set forth above.

SECTION 12. Tennessee Code Annotated, Section 63-6-211 is amended by deleting the section's catchline "Reciprocity." and substituting the catchline "Licensure of Out-of-State and International Applicants." Section 63-6-211 is further amended by deleting subsections (a) and (b) in their entirety and by substituting instead the following language as a new subsection (a):

(a) The board is authorized to accept the certificates of licensure from other states as long as the applicant's certificates and qualifications meet or exceed the requirements set forth in Tennessee Code Annotated, Section 63-6-207 and the rules promulgated pursuant thereto.

Section 63-6-211(c) is amended by deleting the reference "professorial rank" in the first sentence and by replacing it with the language "rank of full professor".

SECTION 13. Tennessee Code Annotated, Section 63-6-219(b) is amended by adding in the first sentence the language "malpractice support groups," after the word and punctuation "programs," and before the conjunctive clause "and their staff personnel".

Section 63-6-219(b) is further amended by adding in the first sentence the language "to provide intervention,

support, or rehabilitative referrals or services or" after the phrase "health care services or" and before the phrase "to determine that".

SECTION 14. This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Rep. Rhinehart moved that **House Bill No. 1076**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	51
Noes.	34
Present and not voting.	2

Representatives voting aye were: Allen, Anderson, Armstrong, Bell, Bittle, Brooks, Brown, Buck, Byrd, Callicott, Clark, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davis, DeBerry, Dixon, Duer, Fisher, Fowlkes, Gunnels, Hassell, Herron, Hillis, Huskey, Jones R (Shelby), Jones U (Shelby), Kent, Kernell, Kisber, Love, McDaniel, Miller, Mires, Napier, Odom, Phelan, Pruitt, Rhinehart, Rigsby, Robinson, Stulce, Thompson, Turner (Shelby), Whitson, Williams (Shelby), Winningham, Wix, Mr. Speaker Naifeh -- 51.

Representatives voting no were: Arriola, Bragg, Chiles, Coffey, Davidson, Haley, Halteman Harwell, Haun, Johnson, Joyce, Knight, Lewis, Liles, Meyer, Moore, Owenby, Peroulas Draper, Phillips, Pinion, Purcell, Ramsey, Rinks, Severance, Shirley, Stamps, Stockburger, Venable, Walley, West, Westmoreland, Williams (Union), Williams (Williamson), Windle, Wood -- 34.

Representatives present and not voting were: Ritchie, Tindell -- 2.

A motion to reconsider was tabled.

REQUEST TO CHANGE VOTE

Pursuant to **Rule No. 31**, the following member(s) desire to change their original stand from aye to no on House Bill No. 1076 and have this statement entered in the Journal: Rep(s). Bell and Winningham.

REQUEST TO CHANGE VOTE

Pursuant to **Rule No. 31**, the following member(s) desire to change their original stand from no to aye on House Bill No. 1076 and have this statement entered in the Journal: Rep(s). Chiles.

CHAIR TO SPEAKER

Mr. Speaker Naifeh resumed the Chair.

REGULAR CALENDAR, CONTINUED

***House Bill No. 0356** -- Pensions and Retirement Benefits -- Expands scope of securities lending agreements entered into by board of trustees; limits amount of securities lent as percentage of total portfolio. Amends TCA 8-36-111; Title 8, Ch. 37, Pt. 1.

On motion, House Bill No. 356 was made to conform with **Senate Bill No. 1202**; the Senate Bill was substituted for the House Bill.

Rep. Rhinehart moved that **Senate Bill No. 1202** be passed on third and final consideration.

On motion, Rep. Rhinehart withdrew Council on Pensions and Insurance Committee Amendment No. 1.

Rep. Rhinehart moved that **Senate Bill No. 1202** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	94
Noes.	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bragg, Brooks, Brown, Buck, Byrd, Callicott, Chiles, Chumney, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fisher, Fowlkes, Givens, Gunnels, Haley, Halteman, Harwell, Hargrove, Hassell, Haun, Head, Herron, Hillis, Huskey, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Lewis, Liles, Love, McAfee, McDaniel, McKee, Meyer, Miller, Mires, Moore, Napier, Odom, Owenby, Peroulas, Draper, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Severance, Stamps, Stockburger, Stulce, Thompson, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 94.

A motion to reconsider was tabled.

House Bill No. 1195 -- Sports -- Enacts "Sports Authorities Act of 1993".

Rep. Byrd moved that House Bill No. 1195 be passed on third and final consideration.

Rep. Love moved adoption of State and Local Government Committee Amendment No. 1, seconded by Rep. Byrd, as follows:

Amendment No. 1

Amend House Bill No. 1195 by adding the following as a new Section 10 and renumbering the subsequent sections accordingly:

SECTION 10. (a) The board of directors of each authority shall cause an annual audit to be made of the books and records of their authority. The comptroller of the treasury, through the department of audit, shall be responsible for determining that such audits are prepared in accordance with generally accepted governmental auditing standards and that such audits meet the minimum standards prescribed by the comptroller.

(b) Such audits shall be prepared by certified public accountants or by the department of audit. In the event the governing body of the authority shall fail or refuse to have the audit prepared, then the comptroller may appoint a certified public account, or direct the department of audit to prepare the audit, the cost of such audit to be paid by the authority.

(c) Each district shall prepare an annual report of its business affairs and transactions. A copy of such report shall be filed with the municipality granting permission to the authority to organize.

On motion, Amendment No. 1 was adopted.

Rep. Byrd moved that House Bill No. 1195, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	92
Noes.	1

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bragg, Brooks, Brown, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, DeBerry, Dixon, Duer, Ferguson, Fisher, Fowlkes, Givens, Gunnels, Haley, Halteman, Harwell, Hargrove, Hassell, Haun, Head, Herron, Hillis, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Lewis, Liles, Love, McAfee, McDaniel, McKee, Miller, Mires, Moore, Napier, Odom, Owenby, Peroulas, Draper, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Severance, Stamps, Stockburger, Stulce, Thompson, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 92.

Representatives voting no were: Shirley -- 1.

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A motion to reconsider was tabled.

House Bill No. 1410 -- Bond Issues -- Authorizes \$5 million bond issue for economic and community development to provide funds to Memphis-Shelby County Airport Authority for airport infrastructure.

Rep. Byrd moved that House Bill No. 1410 be passed on third and final consideration.

Rep. Kernell moved the previous question, which motion prevailed.

Rep. Byrd moved that **House Bill No. 1410** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	85
Noes.	3
Present and not voting.	5

Representatives voting aye were: Allen, Anderson, Armstrong, Bell, Bittle, Bragg, Brooks, Brown, Buck, Byrd, Callicott, Chumney, Clark, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, DeBerry, Dixon, Duer, Ferguson, Fisher, Fowlkes, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hillis, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Miller, Mires, Moore, Napier, Odom, Peroulas Draper, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson, Severance, Shirley, Stamps, Stockburger, Stulce, Thompson, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Williamson), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 85.

Representatives voting no were: Chiles, Haun, Lewis -- 3.

Representatives present and not voting were: Coffey, Owenby, Ritchie, Tindell, Williams (Union) -- 5.

A motion to reconsider was tabled.

House Bill No. 1583 -- Air Pollution -- Requires county failing to meet air quality standards to develop vehicle emission plan. Amends TCA, Title 55, Chs. 4, 6, 68-201-115.

Rep. Purcell moved that House Bill No. 1583 be passed on third and final consideration.

Rep. Hillis moved adoption of Conservation and Environment Committee Amendment No. 1, seconded by Rep. Purcell, as follows:

Amendment No. 1

Amend House Bill No. 1583 by deleting all the language after the enacting clause and by substituting instead the

following:

SECTION 1. Tennessee Code Annotated, Section 55-4-101(d), is amended by designating the existing subsection as (d)(1) and adding the following as subsection (d)(2):

The commissioner shall not issue a registration for a vehicle based in a county that has been designated by the Tennessee Air Pollution Control Board to have a motor vehicle inspection and maintenance program in order to attain or maintain compliance with national ambient air quality standards, except in accordance with such terms and conditions as are established in rules of such board.

SECTION 2. Tennessee Code Annotated, Section 55-4-104(d), is amended by designating the existing subsection as (d)(1) and adding the following as subsection (d)(2):

The commissioner shall not issue a registration renewal for a vehicle based in a county that has been designated by the Tennessee Air Pollution Control Board to have a motor vehicle inspection and maintenance program in order to attain or maintain compliance with national ambient air quality standards, except in accordance with such terms and conditions as are established in rules of such board.

SECTION 3. Tennessee Code Annotated, Section 55-6-105(a), is amended by adding the following as an appropriately designated subsection:

A county clerk shall not issue a registration for a vehicle based in a county that has been designated by the Tennessee Air Pollution Control Board to have a motor vehicle inspection and maintenance program in order to attain or maintain compliance with national ambient air quality standards, except in accordance with such terms and conditions as are established in rules of such board.

SECTION 4. This act shall only apply to Sumner County, Wilson County, Rutherford County or Williamson County as these are the only counties presently in an area designated as non-attainment for ozone, contiguous to Davidson County. However, it shall not become applicable until and unless resolutions have been passed by each and all of the county commissions of these counties which specifically requests the passage of legislation necessary for a motor vehicle inspection and maintenance program for these counties. The implementation of this act shall be accomplished by these four (4) counties, individually or in combination, pursuant to Tennessee Code Annotated, Section

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5-1-114 or 12-9-101 et seq., unless the county passes a resolution requesting the state to implement the act in that county. In any event, the implementation of this act shall be in a manner as to assure compliance with the Clean Air Act 42 United States Code, Section 7401 et seq. and the Air Pollution Control Act, Tennessee Code Annotated, Section 68-201-101 et seq.

SECTION 5. This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Rep. Purcell moved that **House Bill No. 1583**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	94
Noes.	1

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bragg, Brooks, Brown, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fisher, Fowlkes, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Haun, Head, Herron, Hillis, Huskey, Johnson, Jones R (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Lewis, Liles, Love, McAfee, McDaniel, McKee, Meyer, Miller, Mires, Moore, Napier, Odom, Owenby, Peroulas Draper, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Severance, Stamps, Stockburger, Stulce, Thompson, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 94.

Representatives voting no were: Shirley -- 1.

A motion to reconsider was tabled.

***House Bill No. 1430** -- Pharmacy -- Abolishes third party prescription program. Repeals TCA, Title 63, Ch. 10, Pt. 3.

Rep. Odom moved that **House Bill No. 1430** be passed on third and final consideration.

Rep. Dixon moved adoption of Health and Human Resources Committee Amendment No. 1, seconded by Rep. Odom, as follows:

Amendment No. 1

AMEND **House Bill No. 1430** by deleting in its entirety all the language following the enacting clause, and by substituting instead the following language:

SECTION 1. Tennessee Code Annotated, Section 63-10-306, is amended by deleting subsection (a) in its entirety, and by substituting instead the following language:

(a) No agreement between a program administrator and a pharmacy shall establish reimbursement rates or procedures that result in reimbursement rates for services rendered to persons covered by the plan which are less than the usual and customary rate charged by that vendor and paid by ordinary consumers for the same or similar services. Provided, however, that the provisions of this section shall not apply to any agreements involving a pharmacy which is a member of an organized pharmacy network, such as a Preferred Provider Organization (PPO) or a Professional Service Administration Organization (PSAO).

SECTION 2. Tennessee Code Annotated, Section 63-10-307, is repealed.

SECTION 3. This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Rep. Odom moved that House Bill No. 1430, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	95
Noes.	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bragg, Brooks, Brown, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fisher, Fowlkes, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Haun, Head, Herron, Hillis, Huskey, Johnson, Jones R (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Lewis, Liles, Love, McAfee, McDaniel, McKee, Meyer, Miller, Mires, Moore, Napier, Odom, Owenby, Peroulas Draper, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Severance, Shirley, Stamps, Stockburger, Stulce, Thompson, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 95.

A motion to reconsider was tabled.

***House Bill No. 0147 -- Courts, General Sessions --** Authorizes non-attorney officers and employees of a corporation to represent

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corporation before courts of general sessions under certain circumstances. Amends TCA 23-3-103.

Rep. Pinion moved that House Bill No. 147 be reset one week to the Calendar for Wednesday, April 28, 1993, which motion prevailed.

House Bill No. 1048 -- Racing -- Authorizes pari-mutuel betting on simulcast races; sets fees for conducting simulcast races. Amends TCA 4-36-103, 4-36-213, 4-36-303, 304, 306.

On motion, House Bill No. 1048 was made to conform with **Senate Bill No. 747**; the Senate Bill was substituted for the House Bill.

Rep. DeBerry moved that **Senate Bill No. 747** be passed on third and final consideration.

Rep. Bell moved the previous question, which motion prevailed by the following vote:

Ayes.	71
Noes.	19
Present and not voting.	2

Representatives voting aye were: Anderson, Armstrong, Arriola, Bell, Bittle, Brooks, Brown, Buck, Byrd, Callicott, Chumney, Clark, Cole (Dyer), Collier, Crain, Cross, Davis, DeBerry, Dixon, Duer, Ferguson, Gunnels, Hargrove, Hassell, Head, Hillis, Huskey, Johnson, Jones R (Shelby), Jones U (Shelby), Kent, Kernell, Kisber, Lewis, Liles, Love, McAfee, McDaniel, McKee, Meyer, Miller, Mires, Moore, Napier, Owenby, Peroulas Draper, Phelan, Phillips, Pinion, Pruitt, Purcell, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Severance, Stulce, Thompson, Tindell, Turner (Hamilton), Turner (Shelby), Walley, West, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wix -- 71.

Representatives voting no were: Allen, Bragg, Cole (Carter), Davidson, Fisher, Fowlkes, Halteman Harwell, Haun, Herron, Knight, Odom, Ramsey, Rhinehart, Shirley, Stamps, Stockburger, Venable, Westmoreland, Wood -- 19.

Representatives present and not voting were: Givens, Joyce -- 2.

Rep. DeBerry moved that **Senate Bill No. 747** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	51
Noes.	42
Present and not voting.	2

Representatives voting aye were: Armstrong, Arriola, Bell, Brooks, Brown, Byrd, Callicott, Chiles, Chumney, Cole (Dyer), Collier, Davis, DeBerry, Dixon, Fisher, Fowlkes, Givens, Gunnels,

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Haley, Head, Huskey, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, Knight, Love, Miller, Mires, Napier, Odom, Phelan, Pruitt, Rinks, Robinson, Severance, Stamps, Stulce, Thompson, Tindell, Turner (Hamilton), Turner (Shelby), Venable, West, Westmoreland, Whitson, Williams (Shelby), Williams (Williamson), Wix, Mr. Speaker Naifeh -- 51.

Representatives voting no were: Allen, Anderson, Bittle, Bragg, Buck, Coffey, Cole (Carter), Crain, Cross, Davidson, Duer, Ferguson, Halteman Harwell, Hargrove, Hassell, Haun, Herron, Hillis, Johnson, Kisber, Lewis, McAfee, McDaniel, McKee, Moore, Owenby, Peroulas Draper, Phillips, Pinion, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Ritchie, Shirley, Stockburger, Walley, Williams (Union), Windle, Winningham, Wood -- 42.

Representatives present and not voting were: Liles, Meyer -- 2.

A motion to reconsider was tabled.

REQUEST TO CHANGE VOTE

Pursuant to **Rule No. 31**, the following member(s) desire to change their original stand from no to aye on Senate Bill No. 747 and have this statement entered in the Journal: Rep(s). Hassell.

REGULAR CALENDAR, CONTINUED

House Bill No. 1004 -- Consumer Protection -- Creates offense of going out of business as Class B misdemeanor; requires local governments to issue permits to be accompanied by inventory; limits sale to inventory; authorizes injunctive relief. Amends TCA, Title 47, Ch. 18.

Rep. Ramsey moved that House Bill No. 1004 be passed on third and final consideration.

Rep. West moved adoption of Consumer and Employee Affairs Committee Amendment No. 1, seconded by Rep. Ramsey, as follows:

Amendment No. 1

AMEND House Bill No. 1004 by deleting all the language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 47-18-104 is amended by adding the following as a new, appropriately designated item:

() Failing to comply with Tennessee Code Annotated, Sections 6-55-401 to 6-55-413, where a municipality has adopted the regulations of liquidation sales pursuant to Section 6-55-413.

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On motion, Amendment No. 1 was adopted.

Rep. Ramsey moved that **House Bill No. 1004**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	94
Noes.	0
Present and not voting.	1

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bragg, Brooks, Brown, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fisher, Fowlkes, Givens, Gunnels, Haley, Halteman Harwell, Hassell, Haun, Head, Herron, Hillis, Huskey, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Lewis, Liles, Love, McAfee, McDaniel, McKee, Meyer, Miller, Mires, Napier, Odom, Owenby, Peroulas Draper, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Severance, Shirley, Stamps, Stockburger, Stulce, Thompson, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 94.

Representatives present and not voting were: Hargrove -- 1.

A motion to reconsider was tabled.

***House Bill No. 1102 -- Utilities, Utility Districts --** Establishes negotiation requirement between business entity providing utility service within municipality and utility district when municipality annexes area in utility district service area. Amends TCA, Title 6, Ch. 51; Title 7, Ch. 82.

Rep. Wood moved that House Bill No. 1102 be passed on third and final consideration.

Rep. Love moved adoption of State and Local Government Committee Amendment No. 1 as follows:

Amendment No. 1

Amend House Bill No. 1102 by adding the following language as a new paragraph at the end of the amendatory language of Section 1:

This subsection shall apply only to water or wastewater utility suppliers serving in a county having a population of not less than two hundred eighty-five thousand five hundred (285,500) nor more than two hundred eighty-five thousand six hundred (285,600), according to the 1990 federal census or any subsequent federal census.

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Nothing in this subsection shall be construed to diminish the authority of any municipality to annex.

On motion, Amendment No. 1 was adopted.

Rep. Wood moved that **House Bill No. 1102**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	94
Noes.	0
Present and not voting.	2

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bragg, Brooks, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fisher, Fowlkes, Givens, Gunnels, Haley, Halteman, Harwell, Hargrove, Hassell, Haun, Herron, Hillis, Huskey, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Lewis, Liles, Love, McAfee, McDaniel, McKee, Meyer, Miller, Mires, Moore, Napier, Odom, Owenby, Peroulas, Draper, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Severance, Shirley, Stamps, Stockburger, Stulce, Thompson, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 94.

Representatives present and not voting were: Brown, Head -- 2.

A motion to reconsider was tabled.

MESSAGE CALENDAR

HOUSE ACTION ON SENATE MESSAGE

***Senate Bill No. 0053** -- Parks, Natural Areas Preservation -- Enacts "Tennessee Adopt A Park Program Act of 1993". Amends TCA, Title 11, Ch. 1, Pt. 24.

Rep. Hillis moved that **Senate Bill No. 53** be reset to the Message Calendar for Monday, April 26, 1993, which motion prevailed.

***Senate Bill No. 0155** -- Education -- Restricts use of funds for retirement of principal and interest on school bonds where funds have not been previously apportioned to LEAs. Amends TCA, Title 49, Ch. 3, Pt. 10.

Rep. Rhinehart moved that the House refuse to recede from its action in adopting Amendment(s) No(s). 1 to **Senate Bill No. 155**, which motion prevailed.

HOUSE ACTION ON SENATE AMENDMENTS

House Bill No. 0677 -- Hazardous Materials -- Enacts "Tennessee Asbestos Contractor Accreditation and Regulation Act". Amends TCA, Title 4, Ch. 3, Pt. 5; Titles 62, 68.

Senate Amendment No. 1

AMEND House Bill No. 677 by deleting in the second clause of the preamble of the printed bill the language "reconstruction project" and by substituting instead the language "renovation projects".

AND FURTHER AMEND by deleting Section 3 of the printed bill in its entirety and by substituting instead the following new section:

SECTION 3. Tennessee Code Annotated, Title 4, Chapter 3, Part 5, is amended by adding the following new section thereto:

Section _____. The commissioner of environment and conservation, in consultation with the commissioner of commerce and insurance, shall have the authority to promulgate rules and regulations for the purpose of establishing an asbestos contractor accreditation program for the state of Tennessee. The commissioner shall prescribe in the rules and regulations any fees to be paid in order for a contractor to be accredited under this program. Such rules and regulations shall be approved by the state building commission before they are filed with the secretary of state.

Rep. Purcell moved that the House concur in Senate Amendment(s) No(s). 1 to House Bill No. 677, which motion prevailed by the following vote:

Ayes.	92
Noes.	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bragg, Brooks, Brown, Buck, Byrd, Callicott, Chiles, Chumney, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fisher, Fowlkes, Givens, Gunnels, Haley, Halteman, Harwell, Hargrove, Hassell, Haun, Head, Herron, Hillis, Huskey, Johnson, Jones R (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Lewis, Liles, Love, McAfee, McDaniel, McKee, Meyer, Mires, Moore, Napier, Odom, Owenby, Peroulas, Draper, Phelan, Phillips, Pinion, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Severance, Shirley, Stamps, Stockburger, Stulce, Thompson, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 92.

A motion to reconsider was tabled.

House Bill No. 0718 -- Custody and Support -- Allows child support modifications even if petitioning party is in arrears on current order. Amends TCA 36-5-101.

Senate Amendment No. 1

Amend House Bill No. 718 by inserting between the words "and decree" and the words "because the" in the amendatory language of SECTION 1 the words "as it relates to future payments of child support".

Rep. Robinson moved that the House concur in Senate Amendment(s) No(s). 1 to **House Bill No. 718**, which motion prevailed by the following vote:

Ayes.	89
Noes.	3

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bragg, Brooks, Brown, Buck, Byrd, Callicott, Chiles, Chumney, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fisher, Fowlkes, Givens, Gunnels, Hargrove, Hassell, Haun, Head, Herron, Hillis, Huskey, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kisber, Knight, Lewis, Liles, Love, McDaniel, McKee, Meyer, Miller, Mires, Moore, Napier, Odom, Owenby, Peroulas, Draper, Phelan, Phillips, Pinion, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Severance, Shirley, Stockburger, Stulce, Thompson, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 89.

Representatives voting no were: Haley, Halteman, Harwell, Stamps -- 3.

A motion to reconsider was tabled.

House Bill No. 0795 -- Animals -- Applies barrier systems of moats to all Class I wildlife including animals required to be kept in cages under present law. Amends TCA, Title 70, Ch. 4.

Senate Amendment No. 1

Amend House Bill No. 795 by deleting Section 1 and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 70-4-405(g), is amended by deleting subdivision (7).

Tennessee Code Annotated, Section 70-4-405(g), is further amended by adding the following new subdivision at the end of the subsection:

() A facility that meets the requirements to be a zoological institution may use methods approved by the American Association of Zoological Parks and Aquariums for the purpose of restraint, containment and the prevention of escape and public contact for Class I animals instead of the requirements listed in the preceding subdivisions.

Rep. Tindell moved that the House concur in Senate Amendment(s) No(s). 1 to **House Bill No. 795**, which motion prevailed by the following vote:

Ayes.	93
Noes.	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bragg, Brooks, Brown, Buck, Byrd, Callicott, Chiles, Chumney, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fisher, Fowlkes, Givens, Gunnels, Haley, Halteman, Harwell, Hargrove, Hassell, Haun, Head, Herron, Hillis, Huskey, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Lewis, Liles, Love, McAfee, McDaniel, McKee, Meyer, Miller, Mires, Moore, Napier, Odom, Owenby, Peroulas, Draper, Phelan, Phillips, Pinion, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Severance, Shirley, Stamps, Stockburger, Stulce, Thompson, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 91.

A motion to reconsider was tabled.

House Bill No. 1202 -- Election Laws -- Requires counties which have computerized voter registration lists to make list available on computer diskette format upon request of any citizen at actual cost to county. Amends TCA 2-2-115, 138.

Senate Amendment No. 1

Amend House Bill No. 1202 by adding at the end of Section 2 the following:

A person shall not purchase the information compiled under §2-2-115 and this section and contained on the computer diskette format to use for a commercial purpose. A person shall not use any information thus obtained for a commercial purpose. A registrar may refuse to furnish the computer diskette if the registrar has a reasonable belief

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that the information is intended to be used for a commercial purpose. Each use of a name thus obtained for a commercial purpose is a Class C misdemeanor punishable only by a fine of fifty dollars (\$50). Provided, however, the use of the information for political purposes shall not be deemed to be a commercial purpose even if the information is purchased through a third party.

Rep. Kisber moved that the House nonconcur in Senate Amendment(s) No(s). 1 to House Bill No. 1202, which motion prevailed.

HOUSE ACTION ON SENATE MESSAGE

MOTION TO RECONSIDER

Rep. Purcell moved to lift from the table the motion to reconsider Senate Bill No. 1240, which motion prevailed.

***Senate Bill No. 1240** -- Youth Development, Dept. of -- Terminates at age 19 commitment of persons to department. Amends TCA 37-1-102, 131, 137.

Rep. Purcell moved to reconsider our action in passing Senate Bill No. 1240, which motion prevailed.

Rep. Purcell moved to adopt Amendment No. 2 as follows:

Amendment No. 2

Amend Senate Bill No. 1240 by deleting in their entirety the new Section 4 added by Senate Amendment No. 1 and the new Section 4 added by House Amendment No. 1, and by adding the following language as a new Section 4 and renumbering the effective date section as Section 5:

SECTION 4. The provisions of this act shall not affect or apply to any juvenile committed to the Department of Youth Development on or before the effective date of this act or to the subsequent de novo appeal of such case.

On motion, Amendment No. 2 was adopted.

Rep. Purcell moved that **Senate Bill No. 1240**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	93
Noes.	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bragg, Brooks, Brown, Buck, Byrd, Callicott, Chiles, Chumney, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain,

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Cross, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fisher, Fowlkes, Givens, Gunnels, Haley, Halteman, Harwell, Hargrove, Hassell, Haun, Head, Herron, Hillis, Huskey, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Lewis, Liles, Love, McAfee, McDaniel, McKee, Meyer, Miller, Mires, Moore, Napier, Odom, Owenby, Peroulas, Draper, Phelan, Phillips, Pinion, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Severance, Shirley, Stamps, Stockburger, Stulce, Thompson, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 93.

A motion to reconsider was tabled.

UNFINISHED BUSINESS

BILLS WITHDRAWN

On motion of Rep. Stulce, **House Bill No. 1651** was withdrawn from the House.

On motion of Rep. Herron, **House Resolution No. 42** was withdrawn from the House.

RULES SUSPENDED

Rep. Herron moved that the rules be suspended for the purpose of introducing **House Resolution No. 43** out of order, which motion prevailed.

House Resolution No. 0043 -- Memorials, Public Service -- William Doris and Betty Jo Holsapple Jones. by *Herron.

On motion, the rules were suspended for the immediate consideration of the resolution.

On motion of Rep. Herron, the resolution was adopted.

A motion to reconsider was tabled.

RULES SUSPENDED

Rep. Buck moved to suspend **Rule No. 80(1)**, relative to the time for placing bills on notice in Committee, so that **House Bill No. 787** can be heard by the Judiciary Committee on Wednesday, April 28, 1993, which motion prevailed.

RULES SUSPENDED

Rep. Dixon moved to suspend the rules to transfer **House Bill No.**

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454 from the Public/Allied Health Subcommittee to the Medicaid Subcommittee of the Health and Human Resources Committee, which motion prevailed.

RULES SUSPENDED

Rep. Dixon moved to suspend **Rule No. 80(1)**, relative to the time for placing bills on notice in Committee, so that House Bill No. 454 can be heard by the Medicaid Subcommittee of Health and Human Resources Committee next week, which motion prevailed.

MESSAGE FROM THE SENATE
April 21, 1993

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 472: substituted for Senate Bill(s) on same subject(s), amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

NOTICE TO ACT ON SENATE MESSAGES

Pursuant to **Rule No. 59**, the sponsor(s) gave notice of intent to consider the following measure(s) from the Senate on Monday, April 26, 1993:

House Bill No. 472: Rep. Williams (Williamson).

RULES SUSPENDED

Rep. DeBerry moved to suspend **Rule No. 80(1)**, relative to the time for placing bills on notice in Committee, so that resolutions coming out of standing committees and placed on notice in the Calendar and Rules Committee by 3:00 today can be heard by the Study Resolution Subcommittee of the Calendar and Rules Committee on Thursday, April 22, 1993, which motion prevailed.

SPONSORS ADDED

Under **Rule No. 43**, the following members were permitted to add their names as sponsors as indicated below, the prime sponsor of each having agreed to such addition:

House Bill No. 349: Rep(s). Dixon as prime sponsor(s).

House Bill No. 350: Rep(s). Davidson as prime sponsor(s).

House Bill No. 756: Rep(s). Hargrove as prime sponsor(s).

House Bill No. 965: Rep(s). Halteman Harwell, Johnson, Meyer,

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Stamps and West as prime sponsor(s).

House Bill No. 992: Rep(s). McDaniel as prime sponsor(s).

House Bill No. 1180: Rep(s). Phelan as prime sponsor(s).

House Bill No. 1268: Rep(s). Arriola, Hillis and Windle as prime sponsor(s).

House Bill No. 1289: Rep(s). Kent as prime sponsor(s).

House Bill No. 1412: Rep(s). Williams (Shelby) as prime sponsor(s).

**MESSAGE FROM THE SENATE
April 21, 1993**

MR. SPEAKER: I am directed to return to the House. House Bill(s) No(s). 1619, 1631, 1635, 1636, 1637 and 1639: substituted for Senate Bill(s) on the same subject(s) and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**ENGROSSED BILLS
April 21, 1993**

The following bill(s) have been examined, engrossed, and are ready for transmission to the Senate: House Joint Resolution(s) No(s). 229.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**MESSAGE FROM THE SENATE
April 21, 1993**

MR. SPEAKER: I am directed to return to the House. House Joint Resolution(s) No(s). 229; concurred in by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**ENGROSSED BILLS
April 21, 1993**

The following bill(s) have been examined, engrossed, and are ready for transmission to the Senate: House Joint Resolution(s) No(s). 216, 217, 218, 219, 220, 221 and 226.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

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MESSAGE FROM THE SENATE

April 21, 1993

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 488 and 1218; substituted for Senate Bill(s) on the same subject(s) and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE

April 21, 1993

MR. SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 196, 197, 198 and 199; concurred in by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE

April 21, 1993

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 1261 and 1547; substituted for Senate Bill(s) on the same subject(s) and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

ENGROSSED BILLS

April 21, 1993

The following bills have been examined, engrossed, and are ready for transmission to the Senate: House Bill(s) No(s). 31; also, House Joint Resolution(s) No(s). 235.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

MESSAGE FROM THE SENATE

April 21, 1993

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 1498; substituted for Senate Bill(s) on the same subject(s) and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE

April 21, 1993

MR. SPEAKER: I am directed to transmit to the House, Senate

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Joint Resolution(s) No(s). 177; for the signature of the Speaker.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

SIGNED
April 21, 1993

The Speaker announced that he had signed the following: Senate Joint Resolution(s) No(s). 177.

MESSAGE FROM THE SENATE
April 21, 1993

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 406; substituted for Senate Bill(s) on same subject(s), amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE
April 21, 1993

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 653, 659, 664 and 1224; substituted for Senate Bill(s) on the same subject(s) and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

ENGROSSED BILLS
April 21, 1993

The following bill(s) have been examined, engrossed, and are ready for transmission to the Senate: House Bill(s) No(s). 756, 1004, 1076, 1102, 1195, 1410, 1430 and 1583.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

MESSAGE FROM THE SENATE
April 21, 1993

MR. SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 209, 216, 217, 218, 219, 220, 221, 226 and 235; concurred in by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

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MESSAGE FROM THE SENATE
April 21, 1993

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 172, 173, 174, 176, 179, 180, 181, 182, 183, 184, 185 and 186; adopted for concurrence.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

Senate Joint Resolution No. 0172 -- Memorials, Academic Achievement -- Dupont Elementary School, Overall Excellence Award. by *Haynes.

Senate Joint Resolution No. 0173 -- Memorials, Retirement -- J. L. Goins, Pellissippi State President. by *Atchley, *McNally, *Gilbert, *Koella.

Senate Joint Resolution No. 0174 -- Memorials, Sports -- Battle Ground Academy cheerleading squad. by *Springer, *Crutchfield, *Jordan.

Senate Joint Resolution No. 0176 -- Memorials, Professional Achievement -- Jane C. Barnes, Cheatham County Teacher of the Year. by *Rice.

Senate Joint Resolution No. 0179 -- Memorials, Professional Achievement -- Brenda Ables, TEA Distinguished Classroom Teacher Award, 1993. by *Cooper.

Senate Joint Resolution No. 0180 -- Memorials -- Fall Branch Elementary School, 150th anniversary. by *Crowe.

Senate Joint Resolution No. 0181 -- Memorials, Death -- George W. Davis. by *Crowe.

Senate Joint Resolution No. 0182 -- Memorials, Recognition and Thanks -- Peggy Vaden. by *Rice.

Senate Joint Resolution No. 0183 -- Memorials, Recognition and Thanks -- Ann Moseley. by *Rice.

Senate Joint Resolution No. 0184 -- Memorials, Professional Achievement -- Tennessee recipients of Milken Family Foundation National Educator Awards. by *Albright.

Senate Joint Resolution No. 0185 -- Memorials, Public Service -- C. Lionel Kendrick. by *Crutchfield.

Senate Joint Resolution No. 0186 -- Memorials, Academic Achievement -- Germantown High School students and Frank Bluestein, award-winning GHS-TV Production Center. by *Person, *Leatherwood.

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MESSAGE FROM THE SENATE
April 21, 1993

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 72, 303, 702, 722, 764, 810, 998, 1059, 1064, 1204, 1276, 1298 and 1327; passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

***Senate Bill No. 0072** -- Police -- Exempts certain municipal officials from law enforcement duties; establishes qualifications and duties of police, reserve and auxiliary officers. Amends TCA 6-54-401, 38-3-103, 38-6-106, 38-8-101. by *Rochelle.

Senate Bill No. 0303 -- General Assembly -- Provides that estimated expenditures for general bill stated in fiscal note shall be presumed to be amount of first year's funding if bill is enacted. Amends TCA, Title 3. by *Womack.

***Senate Bill No. 0702** -- Budget Procedures -- Enacts "Local Option Budgeting Law of 1993". Amends TCA 49-2-101. by *Greer, *Rochelle.

***Senate Bill No. 0722** -- Public Records -- Makes birth and death certificates, divorce and annulment decrees, marriage licenses and marriage license applications public records. Amends TCA 68-3-205. by *O'Brien, *Person, Hamilton.

***Senate Bill No. 0764** -- Criminal Offenses -- Removes requirement of threatening death or serious injury as effect required to establish charge of stalking. Amends TCA 39-17-315. by *Cohen, *Rice.

***Senate Bill No. 0810** -- Bad Checks -- Increases handling charge on bad check from \$20.00 to \$25.00. Amends TCA, Title 47, Ch. 29. by *Rochelle, Springer.

***Senate Bill No. 0998** -- Medicine, Practice of -- Deletes "prehospital" from definition of "emergency medical care" in Emergency Medical Services Act of 1983; makes definition of "medical direction" by physician of emergency medical services subject to direction of hospital. Amends TCA, Title 68, Ch. 140, Pt. 5. by *McNally.

***Senate Bill No. 1059** -- Pardons and Paroles -- Enacts "Open Parole Hearings Act". Amends TCA 40-28-107. by *Gilbert.

***Senate Bill No. 1064** -- Motor Vehicles -- Directs department of safety to promulgate uniform traffic citation forms for use by all law enforcement officers. Amends TCA, Title 55, Ch. 10. by *Gilbert.

***Senate Bill No. 1204** -- Equalization Board -- Requires certain deposit on each appeal filed with state board of equalization; authorizes board to waive deposit for indigent persons; provides for

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refund in certain circumstances. by *Rochelle.

***Senate Bill No. 1276** -- Highways, Roads and Bridges -- Directs department of transportation to widen to five lanes U.S. 321 from Townsend to Great Smoky Mountains National Park. by *Koeila.

Senate Bill No. 1298 -- Physicians and Surgeons -- Requires University of Tennessee and East Tennessee State University to develop and implement plan to graduate as primary care physicians or family practitioners 10 percent more than currently graduating. Amends TCA, Title 49. by *Hamilton.

***Senate Bill No. 1327** -- Highway Signs -- Requires that 50 percent of proceeds from gross receipts royalty payment on specific service signs be used for highway beautification purposes. Amends TCA, Title 54, Ch. 5. by *Koeila.

ROLL CALL

The roll call was taken with the following results:

Present 93

Representatives present were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bragg, Brooks, Brown, Buck, Byrd, Callicott, Chiles, Chumney, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, Davis, Dixon, Duer, Ferguson, Fisher, Fowlkes, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Haun, Head, Herron, Hillis, Huskey, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Lewis, Liles, Love, McAfee, McDaniel, McKee, Meyer, Miller, Mires, Moore, Napier, Odom, Owenby, Peroulas Draper, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Severance, Shirley, Stamps, Stockburger, Stulce, Thompson, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 93.

On motion of Rep. Purcell, the House recessed until after the Joint Convention at 8:30 a.m., Thursday, April 22, 1993.